

Court of Appeals, State of Michigan

ORDER

Justin Holden v Marywood Golf Club

Docket No. 260253

LC No. 03-000491

Brian K. Zahra
Presiding Judge

Helene N. White

Kirsten Frank Kelly
Judges

The Court orders that the application for leave to appeal is DENIED for lack of merit in the grounds presented as to Issue I of defendants' application for leave to appeal. As to Issue II, involving the magistrate's calculation of the average weekly wage, it is inappropriate for the Court to address the issue where the WCAC has not yet addressed its merits. See *Fitts v Detroit Water Dept*, 218 Mich App 558, 563; 554 NW2d 65 (1996). This Court does not independently review the magistrate's factual findings, *Mudel v Great Atlantic & Pacific Tea Co*, 462 Mich 691, 698-699; 614 NW2d 607 (2000). Accordingly, the case is REMANDED to the WCAC for consideration of this issue.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 20 2005

Date

Sandra Schultz Mengel
Chief Clerk